

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**CLARENCE ISAAC ALLEN JR and  
SHONDAH TABORN ALLEN**

**Case No. 10-81038**

S.S. Nos.: xxx-xx-9054 and xxx-xx-2653

Mailing Address: 912 FORGE RD, Durham, NC 27713-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on June 14, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: July 28, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**CH. 13 PLAN - DEBTS SH T**  
(MIDDLE DISTRICT - DESARDI VERSION)

Date: 6/11/10

Lastname-SS#: Allen-9054

**RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN**

Retain	Creditor Name	Sch D #	Description of Collateral
	Verizon Wireless		

**SURRENDER COLLATERAL**

Creditor Name	Description of Collateral

**ARREARAGE CLAIMS**

Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)
	Verizon Wireless			**
				**
				**
				**
	Mechanics and Farmers		\$30,083	**
	US Bank			**
	SunTrust			**
	Chase Home Mort			**

**REJECTED EXECUTORY CONTRACTS/LEASES**

Creditor Name	Description of Collateral

**LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS**

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Mechanics and Farmers		\$4,821	N/A	n/a	\$4,821.00	606 United and 831 Belgreen
	US Bank		\$891	N/A	n/a	\$891.00	912 Forge - Primary Residence
	SunTrust		\$91	N/A	n/a	\$91.00	912 Forge - Primary Residence
	Chase Home Mort		\$551	N/A	n/a	\$551.00	614 Burlington Avenue

**STD - SECURED DEBTS @ FMV**

Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
				5.00			

**STD - SECURED DEBTS @ 100%**

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	SECU		\$4,977	5.00	\$50	\$93.94	2001 GMC Truck
				5.00			
				5.00			
				5.00			

**ATTORNEY FEE (Unpaid part)**

Law Offices of John T. Orcutt, P.C.	Amount
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\$1

**SECURED TAXES**

IRS Tax Liens	Secured Amt
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\$8,091

**UNSECURED PRIORITY DEBTS**

IRS Taxes	Amount
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\$9,682

**State Taxes**

\$34,654

**Personal Property Taxes**

**Alimony or Child Support Arrearage**

CO-SIGN PROTECT (Pay 100%)	Int. %	Payoff Amt
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**All Co-Sign Protect Debts (See\*)**

GENERAL NON-PRIORITY UNSECURED	Amount**
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DMI= None(\$0) \$25,016

**PROPOSED CHAPTER 13 PLAN PAYMENT**

\$ **\$8,753** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1 - 2/10) © LOITO

**Other Miscellaneous Provisions**

Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate

## **CERTIFICATE OF SERVICE**

I, WILLIAM MCDONALD, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s WILLIAM MCDONALD  
WILLIAM MCDONALD

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Duke University Hospital  
Post Office Box 91040  
Durham, NC 27708-1040

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

AAA Financial Services  
Post Office Box 15026  
Wilmington, DE 19850-5026

GEMB/JCPenney  
Post Office Box 103104  
Roswell, GA 30076

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

Home Depot Credit Services\*\*\*  
Post Office Box 653002  
Dallas, TX 75265

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Bank of America  
ATTN: Billing Inquiries  
Post Office Box 15026  
Wilmington, DE 19850-5026

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Chase Home Mortgage \*\*\*  
P.O. Box 78420  
Phoenix, AZ 85052-8420

Mechanics & Farmer's Bank  
Attn: William A. Marsh, Jr.  
2634 Durham Chapel Hill Blvd.  
Durham, NC 27707

Innovis Data Solutions  
Attn: Consumer Assistance  
P.O. Box 1534  
Columbus, OH 43216-1534

Child Support Enforcement  
Post Office Box 20800  
Raleigh, NC 27619-0800

Mechanics & Farmers Bank  
Attn: William A. Marsh, Jr., Attorn  
2634 Durham Chapel Hill Blvd.  
Durham, NC 27707

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

North Carolina Department of Re  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Discover  
Post Office Box 30943  
Salt Lake City, UT 84130-0943

North Carolina Dept of Revenue\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Private Diagnostic Clinic, PLLC  
P.O. Box 900002  
Raleigh, NC 27675-9000

Sears  
Post Office Box 6924  
The Lakes, NV 88901-6924

State Employees Credit Union \*\*\*  
Attn: Bankruptcy Department  
P.O. Box 25279  
Raleigh, NC 27611

SunTrust  
PO Box 305053  
Nashville, TN 37230

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

US Bank Home Mortgage\*\*\*  
Post Office Box 20005  
Owensboro, KY 42304-0005

William A. Marsh Jr., PLLC  
PO Box 125  
Durham, NC 27702